

WILMER CUTLER PICKERING  
HALE AND DORR LLP  
  
SONAL N. MEHTA (SBN 222086)  
Sonal.Mehta@wilmerhale.com  
2600 El Camino Real, Suite 400  
Palo Alto, California 94306  
Telephone: (650) 858-6000

DAVID Z. GRINGER (*pro hac vice*)  
David.Gringer@wilmerhale.com  
ROSS E. FIRSENBAUM (*pro hac vice*)  
Ross.Firsenbaum@wilmerhale.com  
RYAN CHABOT (*pro hac vice*)  
Ryan.Chabot@wilmerhale.com  
PAUL VANDERSLICE (*pro hac vice*)  
Paul.Vanderslice@wilmerhale.com  
7 World Trade Center  
250 Greenwich Street  
New York, New York 10007  
Telephone: (212) 230-8800

*Attorneys for Defendant Meta Platforms, Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

MAXIMILIAN KLEIN, et al., on behalf of  
themselves and all others similarly situated,

## Plaintiffs.

V.

META PLATFORMS, INC., a Delaware Corporation,

Defendant.

Case No. 3:20-cv-08570-JD

**META PLATFORMS, INC.'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL**

Judge: Hon. James Donato

## **STANDING ORDER PARAGRAPH 31 NOTICE**

2 The parties have agreed to use the approach outlined in Paragraph 31 of the Court's  
3 Standing Order for Civil Cases for the rounds of briefing associated with User Plaintiffs' and  
4 Advertiser Plaintiffs' motions for class certification, and any related *Daubert* briefing, including  
5 Defendant Meta Platforms, Inc.'s Motion to Exclude the Testimony of Nicholas Economides.  
6 Meta hereby notifies the Court that the parties will file a combined Administrative Motion to Seal  
7 when briefing on the class certification and related *Daubert* motions is complete. That combined  
8 Administrative Motion to Seal will address all relevant documents submitted in connection with  
9 this briefing. Meta will work in good faith to minimize the amount of material sought to be sealed  
10 in that motion in accordance with the applicable standard and this Court's prior guidance. *See*  
11 Dkt. 344.

**META PLATFORMS' ADMINISTRATIVE MOTION TO FILE UNDER SEAL**

13 Pursuant to Civil Local Rules 7-11 and 79-5(c), Defendant Meta Platforms, Inc.  
14 respectfully files this Administrative Motion To File Under Seal portions of its Motion to Exclude  
15 the Testimony of Nicholas Economides, and certain documents submitted in support of that  
16 Motion. Materials and documents may be provisionally filed under seal pursuant to Civil Local  
17 Rule 79-5(c) provided that the party seeking the relief can show that there are “legitimate private  
18 or public interests that warrant sealing” that “injury will result if sealing is denied” and “why a  
19 less restrictive alternative to sealing is not sufficient.” L.R. 79-5(c)(1).

20 Pursuant to Paragraph 31 of this Court’s Standing Order for Civil Cases, Meta will provide  
21 a “more fulsome and revised motion to seal” after the completion of briefing. Meta has lodged  
22 under seal deposition excerpts of certain of its current and former employees, which have been  
23 designated Highly Confidential or Confidential under the Stipulated Protective Order. Dkt. 314.  
24 Meta has also lodged under seal portions of its Motion to Exclude the Testimony of Nicholas  
25 Economides that reference these materials.

26 As noted in Meta’s associated Motion to Consider Whether Another Party’s Information  
27 Should Be Sealed, Meta has also lodged under seal the Report and Reply Report of Nicholas

1 Economides, which User Plaintiffs have designated Highly Confidential under the Stipulated  
 2 Protective Order. Dkt. 314. Meta has also lodged under seal excerpts from the deposition of  
 3 Nicholas Economides, which are currently provisionally designated Highly Confidential under the  
 4 Stipulated Protective Order. Dkt. 314. Meta has also lodged under seal portions of its Motion to  
 5 Exclude the Testimony of Nicholas Economides that reference these materials.

6 Meta notes that the Economides reports and deposition transcript also contain potentially  
 7 sealable information from other parties, including Meta and the following non-parties: Alphabet,  
 8 Inc.; Amazon.com, Inc.; Apple Inc.; Centercode, Inc.; Embee Mobile, Inc.; LinkedIn Corporation;  
 9 Luth Research LLC; Microsoft Corporation; Nextdoor Holdings, Inc.; Pinterest, Inc.; Reddit, Inc.;  
 10 Sgrouples, Inc.; Snap, Inc.; TikTok, Inc.; Viant Technology Inc.; and X Corp. (f/k/a Twitter, Inc.).  
 11 Meta anticipates that all parties will address appropriately tailored sealing requests in the combined  
 12 motion to seal submitted at the end of briefing pursuant to Paragraph 31 of this Court's Standing  
 13 Order for Civil Cases.

14 Meta has lodged under seal the following materials referencing Meta's information:  
 15

Document	Portions to Be Lodged Under Seal	Designating Party
Meta's Motion to Exclude the Testimony of Nicholas Economides	Portions highlighted in green	Meta
Ex. 1 to the Decl. of David Z. Gringer in Support of Meta's Motion to Exclude Testimony of Nicholas Economides ("Economides Report")	In its entirety	Meta and User Plaintiffs
Ex. 2 to the Decl. of David Z. Gringer in Support of Meta's Motion to Exclude Testimony of Nicholas Economides ("Economides Reply Report")	In its entirety	Meta and User Plaintiffs
Ex. 3 to the Decl. of David Z. Gringer in Support of Meta's Motion to Exclude Testimony of Nicholas Economides ("Economides Deposition Excerpts")	In its entirety	Meta and User Plaintiffs
Ex. 7 to the Decl. of David Z. Gringer in Support of Meta's Motion to Exclude Testimony of Nicholas Economides	In its entirety	Meta

1       As noted, upon the conclusion of briefing on class certification motions and related  
2 *Daubert* motions, the parties will submit a combined Administrative Motion to Seal that will  
3 contain additional detail addressing each of the above documents and any additional documents  
4 containing Meta's, plaintiffs', and relevant non-parties' confidential information submitted in  
5 connection with the briefing on class certification motions and related *Daubert* motions.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Date: September 15, 2023

Respectfully submitted,

2 By: /s/ Molly M. Jennings

3 SONAL N. MEHTA (SBN 222086)  
4 Sonal.Mehta@wilmerhale.com  
5 WILMER CUTLER PICKERING HALE  
6 AND DORR LLP  
7 2600 El Camino Real, Suite 400  
Palo Alto, California 94306  
Telephone: (650) 858-6000

8 DAVID Z. GRINGER (*pro hac vice*)  
9 David.Gringer@wilmerhale.com  
10 ROSS E. FIRSENBAUM (*pro hac vice*)  
11 Ross.Firsenbaum@wilmerhale.com  
12 RYAN CHABOT (*pro hac vice*)  
13 Ryan.Chabot@wilmerhale.com  
14 PAUL VANDERSLICE (*pro hac vice*)  
15 Paul.Vanderslice@wilmerhale.com  
16 WILMER CUTLER PICKERING HALE  
17 AND DORR LLP  
18 7 World Trade Center  
19 250 Greenwich Street  
20 New York, New York 10007  
21 Telephone: (212) 230-8800

22 ARI HOLTZBLATT (*pro hac vice*)  
23 Ari.Holtzblatt@wilmerhale.com  
24 MOLLY M. JENNINGS (*pro hac vice*)  
25 Molly.Jennings@wilmerhale.com  
26 WILMER CUTLER PICKERING HALE  
27 AND DORR LLP  
28 2100 Pennsylvania Avenue NW  
Washington, DC 20037  
Telephone: (202) 663-6000

22 MICHAELA P. SEWALL (*pro hac vice*)  
23 Michaela.Sewall@wilmerhale.com  
24 WILMER CUTLER PICKERING HALE  
25 AND DORR LLP  
26 60 State Street  
27 Boston, Massachusetts 02109  
Telephone: (617) 526-6000

28 *Attorneys for Defendant Meta Platforms, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of September, 2023, I caused the foregoing document to be transmitted via electronic mail.

/s/ Molly M. Jennings  
Molly M. Jennings